

“(k)(1) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provision of section 7 of this Act any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall be reinstated.

“(2) The Secretary shall adjust the minimum salary level for exemption under section 13(a)(1) in the following manner:

“(A) Not later than 60 days after the date of enactment of this subsection, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) for executive, administrative, and managerial occupations from the level of \$155 per week in 1975 to \$591 per week (an amount equal to the increase in the Employment Cost Index (published by the Bureau of Labor Statistics) for executive, administrative, and managerial occupations between 1975 and 2005).

“(B) Not later than December 31 of the calendar year following the increase required in subparagraph (A), and each December 31 thereafter, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) by an amount equal to the increase in the Employment Cost Index for executive, administrative, and managerial occupations for the year involved.”.

Mr. KENNEDY. Mr. President, I commend Senator HARKIN for introducing the Overtime Rights Protection Act to restore overtime protections for the more than 6 million Americans denied overtime pay and denied the guarantee of a 40-hour work week by the Republican anti-overtime regulation adopted in 2004. The bill will also provide overtime protections for additional deserving workers.

In the last Congress, the Senate voted four times to block the Administration's overtime rule, and the House voted twice to block it. Yet, the Republican leadership refused to accept the will of Congress and the will of the American people. Instead, it blocked the enactment of this legislation and continued the unfair assault on America's workers and their right to overtime pay.

In today's economy, workers are concerned about losing their jobs, their pay, their health benefits, and their retirement benefits. Now more than six million employees also have to worry about losing higher pay they've always earned for working overtime.

These men and women are nurses. They are school teachers. They are long-term care workers. They are assistants in mental health facilities. They are countless men and women in many other fields.

Make no mistake—overtime cuts are pay cuts. When workers lose their overtime pay, they still work longer hours. But they get no extra pay for doing so, even though they've had the right to time-and-a-half pay for overtime work ever since the 1930's.

Clearly, we need a policy to create more jobs, not eliminate jobs. By taking away workers' right to overtime, the Administration's rule undermines job creation, since it allows businesses to require employees to work longer hours for no extra pay, rather than hire new workers to do the extra work.

Denying overtime pay is a thinly veiled scheme to reduce workers' pay and raise employers' profits. In this troubled economy, it makes no sense to ask any workers anywhere in America to give up their overtime pay.

Instead of making hard-working men and women work longer hours for less pay, businesses should create new jobs by hiring more employees to do the work.

We know that employees across America are already struggling hard to balance their family needs and their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

According to the Families and Work Institute, two of the most important things that children would most like to change about their parents are that they wish their parents were less stressed out by their work, and they wish they could spend more time with their parents.

The Government Accountability Office says that employees without overtime protection are twice as likely to work overtime as employees covered by the protection. In other words, businesses don't hesitate to demand longer hours, as long as they don't have to pay higher wages for the extra work.

Protecting the 40-hour work week is vital to protecting the work-family balance for millions of Americans in communities in all parts of the nation. The last thing Congress should be doing is to allow the new anti-overtime rule to make the balance worse for workers than it already is.

Under the overtime law, low-income workers are supposed to be automatically included. But today, millions who should be included are left out, since wages have increased, but the maximum earnings level for automatic coverage has remained the same for 30 years. The Bush Administration raised it to \$23,660 in their new rule, but this level is still too low. The Harkin bill will cover more workers by raising the threshold to \$30,712, and index it to keep pace with wage growth. This change will bring it to the level it would be if we'd made annual adjustments for wage inflation over the last 30 years.

Congress cannot look the other way while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the wounds of this troubled economy. Enacting the Overtime Rights Protection Act will end this injustice, and I urge my colleagues to support it.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 22—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 22

*Resolved*, That, in carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Cong.), as amended by S. Res. 445, agreed to October 9, 2004 (108th Cong.), in accordance with its jurisdiction under Section 3 and Section 17 of S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by Section 5 of S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005 through September 30, 2005 under this resolution shall not exceed \$3,050,594, of which amount (1) not to exceed \$32,083 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,834 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005 through September 30, 2006, expenses of the committee under this resolution shall not exceed \$5,355,503, of which amount (1) not to exceed \$55,000 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006 through February 28, 2007 expenses of the committee under this resolution shall not exceed \$2,279,493, of which amount (1) not to exceed \$22,917 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee,

except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 2005 through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

#### SENATE RESOLUTION 23—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. SMITH submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

##### S. RES. 23

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed \$1,445,446, of which amount (1) not to exceed \$117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed \$2,537,525, of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed \$1,080,025, of which amount (1) not to exceed \$85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

#### SENATE RESOLUTION 24—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. GREGG submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

##### S. RES. 24

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed \$3,367,870, of which amount (1) not to exceed \$35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$21,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the com-

mittee under this resolution shall not exceed \$5,915,179, of which amount (1) not to exceed \$60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$36,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed \$2,518,660, of which amount (1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

#### SENATE RESOLUTION 25—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. GRASSLEY submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

##### S. RES. 25

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall

not exceed \$4,081,365, of which amount (1) not to exceed \$17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed \$7,165,470, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed \$3,049,982, of which amount (1) not to exceed \$12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

# SENATE RESOLUTION 26—COMMENDING THE PEOPLE OF IRAQ ON THE ELECTION HELD ON JANUARY 30, 2005, OF A 275-MEMBER TRANSITIONAL NATIONAL ASSEMBLY AND OF PROVINCIAL AND REGIONAL GOVERNMENTS AND ENCOURAGING FURTHER STEPS TOWARD ESTABLISHMENT OF A FREE, DEMOCRATIC, SECURE, AND PROSPEROUS IRAQ

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 26

Whereas on January 30, 2005, for the first time in over 50 years, the citizens of Iraq had the opportunity to vote in a free election, to choose their own leaders, and to begin the process of writing their own constitution;

Whereas the election in Iraq was held despite imperfect conditions, threats to voters, candidates, and election workers, and acts of violence by those seeking to prevent the voice of the majority of the people of Iraq from being heard;

Whereas an estimated 14,300,000 Iraqis were registered to vote at more than 5,000 polling stations across Iraq and in 14 other countries;

Whereas a majority of individuals who were eligible to vote participated in the election and the final results of the election will be certified on February 15, 2005;

Whereas, the newly elected 275-member Transitional National Assembly of Iraq will include at least 25 percent female representation, will serve as the national legislature of Iraq, and will name a Presidency Council consisting of a President and 2 Vice Presidents that will appoint a new Prime Minister of Iraq and approve the selection of cabinet ministers;

Whereas the Transitional National Assembly will draft a national constitution that will be presented to the people of Iraq for their approval in a national referendum to be held in October 2005 and that will lead to the election of a constitutional government in Iraq;

Whereas the election establishes a credible process for governing Iraq under a mandate from the majority of the people of Iraq and reflects the will of the people for a new Iraq in which all communities are represented and terrorism is eliminated;

Whereas the election was a historic step towards development of democracy for the people of Iraq and an inspiration to all those in the region who are striving to achieve democracy in their own countries;

Whereas the United States is committed to facilitating the development of a strong and proud Iraq that is built by the people of Iraq through their unified efforts and their commitment to protecting the territorial integrity and national unity of Iraq;

Whereas President George W. Bush stated after the election in Iraq that the "world is hearing the voice of freedom from the center of the Middle East"; and

Whereas the United States Government stands ready to work with the new Government of Iraq to build a free, democratic, secure, and prosperous Iraq: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that, on January 30, 2005, the people of Iraq elected a 275-member Transitional National Assembly and leaders of provincial and regional governments in Iraq in an election that has been widely described as free and fair;

(2) recognizes this election is a milestone in the development of democracy in Iraq,

and commends the people of Iraq on the election, and congratulates the new members of the Transitional National Assembly and the leaders of the provincial and regional governments;

(3) commends the Independent Electoral Commission of Iraq for its administration of the election and commends the United Nations Mission in Iraq for the provision of expert technical assistance and training to the Commission;

(4) expresses its respect for the freely expressed will of the people of Iraq, its admiration for their courage in the face of intimidation, threats, and acts of violence, and its intention to work with the new Government of Iraq to help the people of Iraq realize the opportunity for a more peaceful and prosperous future;

(5) urges the new leadership of Iraq to move forward with drafting the constitution, upholding the rule of law, and holding a referendum on the new constitution in October 2005;

(6) urges all members of the international community to help Iraq end the violent insurgency which is destabilizing the region and help Iraq build the necessary political, economic, and security infrastructure essential to establish a viable, democratic state and improve the lives of the people of Iraq; and

(7) reaffirms the commitment of the United States to help the people of Iraq succeed in building their own government and fulfilling the aspirations of the people of Iraq for a free, united, peaceful, and prosperous Iraq.

Mr. LUGAR. Mr. President, I submit today a resolution commending the Iraqi people for their participation in the election of January 30, 2005, of a 275-member Transitional National Assembly and provincial and regional governments; and encouraging further steps toward establishment of a free, democratic, secure and prosperous Iraq.

Despite the threats to voters, candidates and election workers, and the acts of violence by those seeking to prevent the voice of the majority from being heard, millions of Iraqis voted on Sunday.

For the first time in over 50 years, the Iraqi people have been given the opportunity to choose their leadership. Through this resolution, the Senate recognizes and commends this historic moment and the strides of the Iraqi people toward free and fair elections.

## NOTICES OF HEARING/MEETINGS

### SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following oversight hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday February 17, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the National Park Service's implementation of the Federal Lands Recreation Enhancement Act authorized in Public Law 108-447.

Because of the limited time available for the hearing, witnesses may testify